THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 13895 of 1999

DATED: 05-08-2005

M.Radhakrishna Murthy.

..... PETITIONER

AND

The Commissioner, Muncipal Corporation, Kurnool,
Kurnool District.

.....RESPONDENT

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Mandamus declaring the action of the respondent, in insisting the petitioner to pay developmental charges and other penal amounts contrary to the guidelines contained in G.O.Ms.No.419, dated 30-07-1998, as arbitrary, illegal and unconstitutional.

2. It is the case of the petitioner that he is the absolute owner of the land, which is an ancestral property, measuring an extent of 305.55 sq.yards situated in Sy.Nos.88 & 89 of Kurnool Town. After obtaining permission from the then Kurnool Municipality he constructed ground floor in 1980, 1st floor in 1984 and 2nd floor in 1994 on the said land for commercial purpose. Pursuant to the G.O.Ms.No.419/MA, dated 30-07-1998, he submitted applications for the regularization of the deviations in the building. Whileso, the respondent issued a notice, dated 21-06-1999, in BRS.No.565/98/G3 informing the petitioner to pay Rs.1,88,311/-. On receipt of the said notice, the petitioner made a representation on 25-02-1999 to the respondent that he has to pay only Rs.70,000/- but the respondent has not responded to the same. Aggrieved thereby, the present Writ Petition has been preferred.

3. Respondent filed his counter, denying most of the allegations made in the Writ Petition.

4. Heard both sides.

5. I have perused the entire material on record.

6. After going through the impugned notice, dated
21-06-1999, it appears no details were given by the respondent as to how he had arrived at the alleged amount. Considering the facts and circumstances, I deem it appropriate to set aside the impugned notice, dated 21-06-1999, and direct the respondent to reconsider the matter after giving opportunity to the petitioner along with the application submitted by him, in accordance with law.

7. Accordingly, the Writ Petition is disposed of. No order as to costs.

(DHARMA RAO ELIPE,J)

5th August, 2005.

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